

# **Exhibit E**



Deposition of:

**Dee Jones**

*August 3, 2021*

In the Matter of:

**Kadel, et al vs. Folwell**

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MAXWELL KADEL, et al., )  
 )  
 Plaintiffs, )  
 ) No. 1:19-cv-272-LCB-LPA  
 V. )  
 )  
 DALE FOLWELL, et al., )  
 )  
 Defendants. )  
 )  
 \_\_\_\_\_ )

IN HER INDIVIDUAL CAPACITY  
and  
30(b)(6) DESIGNEE FOR NC STATE HEALTH PLAN  
AUGUST 3, 2021

PNC PLAZA DOWNTOWN  
301 Fayetteville Street, Suite 1700  
Raleigh, North Carolina

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1           A.     Yes.

2           Q.     So looking at all enrollees in the Plan, 15  
3 percent of those enrollees account for 85 percent of the  
4 cost of treatment?

5           A.     Correct.

6           Q.     Can an individual enrolled in the State Health  
7 Plan request that the State Health Plan change the pronoun  
8 associated with that enrollee?

9           A.     Please rephrase.

10          Q.     Can an individual that's enrolled in the State  
11 Health Plan request that the Plan change in its records the  
12 pronoun that's associated with that individual?

13          A.     The member can change his or her own pronoun.

14          Q.     How does that process occur?

15          A.     The member logs in to eBenefits or calls into the  
16 call center, benefit-focused call center, and either  
17 changes it him or herself, or requests that it be changed.

18          Q.     Okay.

19          A.     It's not validated.

20          Q.     What does that mean for it not to be validated?

21          A.     You could put in whatever you want. There's two  
22 options, male or female.

23                 And if I were female and put in female, I could  
24 do that. Or if I wanted to put in male, I can do that. If  
25 I make an error, I can do that too.

1           Q.    And you said an individual can either log in and  
2           change that themselves or they can make a request that the  
3           Plan make that change?

4           A.    No.  They call into the call center, talk to a  
5           call center rep who will record the call.  And then they  
6           can be requested to make that change.

7           Q.    To whom is that request made?

8           A.    The call center rep.

9           Q.    If a call center rep gets that kind of request,  
10          what happens next?

11          A.    They comply with the request.

12          Q.    And how does that process occur?

13          A.    They go into the system and check yes or no or  
14          male or female or exactly -- I guess it's male or female.

15          Q.    And prior to going into the system, is any  
16          validation requested?

17          A.    Absolutely.  Whatever -- like the member would  
18          call in, and there would be validation questions from the  
19          call center rep back to the member to confirm any number of  
20          demographic statistics.

21          Q.    What are those validation questions?

22          A.    I don't know them specifically.  But it's  
23          something that would be similar to what we all do, which is  
24          your address, your full name, possibly your Social Security  
25          number, you know, phone numbers, whatever, to try to --

1       they're a vendor. I don't tell them how to do their job.  
2       I just tell them they have to validate it. It's not my  
3       obligation how to exactly do it.

4             Q.    So is it fair to say that validation is with  
5       respect to making sure that the person calling in and  
6       making this request is who they say they are?

7             A.    Yes.

8             Q.    Does the Plan require proof of any enrollee's  
9       chromosomes before it goes into the system and complies  
10      with that question?

11            A.    No.

12            Q.    Does it require proof of an enrollee's anatomy?

13            A.    No.

14            Q.    And does it require proof of an enrollee's DNA?

15            A.    No.

16            Q.    Everything we just talked about with regard to  
17      changing the pronoun in the system, does that also apply to  
18      a request to change an individual enrollee's gender marker  
19      in the system?

20            A.    We don't track gender markers in the system other  
21      than male or female. We only have but two options right  
22      now.

23            Q.    Is participation in the Plan required for state  
24      agency employees?

25            A.    No. They have a choice. I mean the benefit